IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3112 OF 2005

Nand Kumar Bhagwan Kulkarni ...Applicant
Vs.
Dewan Housing Finance Corp.
Ltd. & Anr. ...Respondents

Mr. Shrishail Sakhare for the Applicant.
Ms M.M. Deshmukh, A.P.P. for the Respondents.

CORAM : A. S. OKA, J.
DATED : JULY 21, 2005.

P.C.:

1. Heard Counsel appearing for the parties. The paryer in this Application is for transfer of Criminal Complaint No.12013 of 2004 filed by the Respondent in the Court of the learned Judicial Magistrate, First Class at Pune to the Court of Judicial Magistrate, First Class at Solapur.

2. The ground set out in the Application is that the Applicant is a Tax Recovery Officer employeed with the Municipal Corporation of the City of Solapur and considering the nature of his duties, he has to complete the target of recovery of certain amount on every day. Reliance is placed on order dated 30th August, 2004 passed by the said Municipal Corporation by which it is directed that the Recovery Officers will have to meet the target fixed for the recovery.

3. The learned Counsel for the Applicant submitted that it is impossible for the Applicant to attend the Court at Pune and the Application made for exemption

by the Applicant has been rejected. He has placed reliance on Application which is annexed on page No.24 of this Application. He submitted that in view of the nature of duties, it is impossible for the Applicant to attend the Court at Pune and therefore, order of transfer may be passed.

4. I have considered the submissions. It is not the case of the Applicant that trial of the case is proceeding on day to day basis. There is nothing on record to show that the Applicant cannot obtain leave from his employer. If the Applicant has genuine difficulty in attending the Court at Pune, he is not without any remedy as there are provisions in the Code of Criminal Procedure, 1973 which take care of such situations. Reliance placed on Application on page No.24 will not help the Applicant for two reasons. Firstly, Application is for adjournment on a particular date and secondly, a copy of the order passed on the Application is not annexed in this Application.

5. In view of the above position, no case is made out for passing order of transfer. Application is rejected.

JUDGE